

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY COMMISSION'S)
INVESTIGATION OF MATTERS)
RELATED TO THE FEDERAL)
COMMUNICATIONS COMMISSION'S)
REPORT AND ORDER AND ORDER ON)
REMAND AND FURTHER NOTICE OF)
PROPOSED RULEMAKING IN CC)
DOCKET NOS. 01-338, 96-98, AND 98-147)

CAUSE NOS. 42500,
42500-S1 and 42500-S2

FILED

APR 06 2004

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Presiding Officers in this Cause make the following Entry:

On March 26, 2004, we issued an Entry that denied a motion by Indiana Bell Telephone Company Incorporated, d/b/a SBC Indiana ("SBC Indiana") to temporarily stay these proceedings. On April 5, 2004, SBC Indiana filed its *Renewed Motion to Temporarily Stay All Triennial Review Proceedings In Light of New Developments, And Request For Expedited Consideration* ("Motion"). In addition to the arguments made in its previous motion requesting the same relief, the Motion cites to a March 31, 2004 letter signed by all Federal Communications Commission ("FCC") Commissioners calling on telecommunications carriers to engage in good faith settlement negotiations to arrive at commercially acceptable arrangements for the availability of unbundled network elements. We note, too, that this letter announces the intention of the FCC to seek a 45-day extension of the existing 60-day stay of the D.C. Circuit's decision that vacated major portions of the FCC's Triennial Review Order ("TRO"). Part of our reasoning, on March 26, 2004, in denying SBC Indiana's previous motion to temporarily stay these proceedings, was based on the absence of procedural direction from a unified FCC with respect to states' ongoing TRO proceedings.


The Motion states that on April 3, 2004, SBC Indiana and Sage Telecom, Inc. ("Sage") announced that they had reached a seven-year commercial agreement for SBC to provide wholesale local phone service to Sage covering all 13 states in SBC's local service territory, including Indiana. The Motion further states that due to this demonstrated willingness and ability to fulfill the FCC's hope for negotiated settlements, SBC Indiana should be permitted to focus its attention on its ongoing commercial negotiations with other carriers, without the distraction of these proceedings.

The Motion also asserts SBC Indiana's belief that at least some competitive carriers that opposed SBC Indiana's previous request for temporary stay will not oppose


this request. We note that shortly after SBC Indiana filed its Motion, WorldCom, Inc. d/b/a MCI ("MCI") informally expressed, via email, to the other parties in these Causes that it does not oppose deferring these TRO hearings in order to permit the FCC-requested negotiations to proceed. MCI filed a response in opposition to SBC Indiana's previous motion to temporarily stay these proceedings.

An Evidentiary Hearing is scheduled to commence on April 7, 2004, in Cause No. 42500-S2. It is our intention to rule on the Motion at the conclusion of the parties' presentation of evidence and cross-examination of witnesses at that hearing. Any party wishing to file a written response to the Motion should do so before the conclusion of that hearing, which is expected to end on April 7, 2004, though it is possible it will not conclude until April 8, 2004. In the alternative, any party or parties jointly will be allowed a maximum of ten minutes at the conclusion of the hearing to make any oral response(s) to the Motion. SBC Indiana will also be allowed a maximum of ten minutes to make any oral reply.

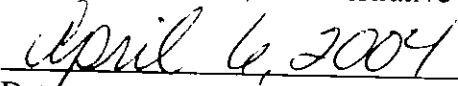
IT IS SO ORDERED.



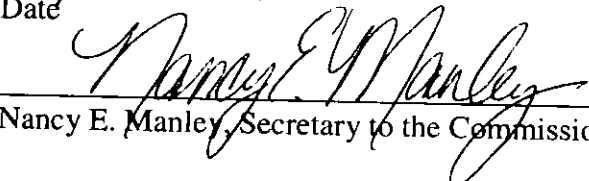
Judith G. Ripley, Commissioner



William G. Divine, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission